

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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XIAO YE BAI,

Plaintiff,

v.

CALVIN JOHNSON, *et al.*,

Defendants.

Case No. 2:20-cv-02192-GMN-EJY

**ORDER**

Pending before the Court is Defendants' Motion for Leave to File Exhibit A to Defendants Response in Opposition to Plaintiff's Motion for Emergency Supplemental Injunctions (ECF No. 57) Under Seal. ECF No. 64. Through the Motion, Defendants seek to seal Plaintiff's medical record that "include diagnoses, treatment plans, and other communications related to Plaintiff's medical condition." Defendants seek to protect Plaintiff's privacy and maintain the confidentiality of his medical records.

Years ago, the Ninth Circuit established a strong presumption of public access to judicial records. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). To overcome the presumption when a dispositive motion is at issue, the moving party must demonstrate a compelling reasons that supports maintaining the secret nature of the documents. *Kamakana*, 447 F.3d at 1180. The compelling reasons must outweigh the public's interest in having access to the judicial records and in understanding the judicial process. *Id.* at 1178-79. Medical privacy has qualified as a "compelling reason," for sealing records. *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL89931, at \*n. 1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL4715793, at \*1-2 (D. HI. Nov. 15, 2010).

1 Here, Defendants establish a compelling reason to seal Exhibit A to Response in Opposition  
2 to Plaintiff's Motion for Emergency Supplemental Injunctions (ECF No. 57). There is no reason for  
3 Plaintiff's medical records to be accessible to the public at large.

4 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to File Exhibit  
5 A to Defendants Response in Opposition to Plaintiff's Motion for Emergency Supplemental  
6 Injunctions (ECF No. 57) Under Seal, ECF No. 64, is GRANTED.

7 Dated this 29th day of April, 2022.

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11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
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